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CPA 1638
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June 2, 2003

MAIL STOP CPA
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Re: U.S. Patent Application Serial No. 09/186,775
Title: Materials and Methods for Hybrid Seed Production
Our Ref: 15240.088


Dear Sir:

Enclosed for filing in the above-referenced matter are the following:

1. Continued Prosecution Application (CPA) Request Transmittal;
2. Response to Office Action with attachments;
3. Petition for Extension of Time;
4. Check in the amount of \$1,986.00; and
5. Self-addressed, stamped postcard to acknowledge receipt of the foregoing.

The Commissioner is hereby authorized to charge any additional fee required or credit any overpayments to Deposit Account No. 060590.

Very truly yours,


Susan Stone Rosenfield

SSR/jb
Enclosures

FENNEMORE CRAIG

Commissioner for Patents
U.S. Application Serial No.: 09/186,775
Materials and Methods for Hybrid Seed Production

CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. § 1.10

Express Mail Label No. EV 217411884 US

Date of Deposit: June 2, 2003

I hereby certify that this paper and all documents and any fee referred to herein are being deposited on the date indicated above with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, addressed to MAIL STOP CPA, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450.



Louis Lofredo

6/2/03

Date of Signature

727

PTO/SB/29 (05-03)

Approved for use through 04/03/2003. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐

DUPLICATE

Address to:

Mail Stop CPA
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attorney Docket No.
of Prior Application

15240.088

First Named Inventor

Burgess et al.

Examiner Name

G. Helmer

Art Unit

1638

Express Mail Label No.

EV 217411884 US

This is a request for a ☒ continuation or ☐ Divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number 09/186,775

filed on Nov. 6, 1998, entitled Materials and Methods for Hybrid Seed Production

NOTES

Filing Qualifications: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.52(b), of (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on _____
Under 37 CFR 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventor(s) named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed;
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

Page 1 of 2

This collection of information is required by 37 CFR 1.53(d). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 24 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop CPA, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

06/05/2003 AWDNAF1 00000104 09186775

01 FC:1006 750.00 DP

02 FC:1202 306.00 DP

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (l))	-20* = 37	17	X \$ 18 =	\$ 306
	INDEPENDENT CLAIMS (37 CFR 1.16(B) OR (l))	-3** = 3	0	X \$ 84 =	0
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			X \$ _____ =	
				BASIC FEE (37 CFR 1.16)	750
				Total of above Calculations=	1,056
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				0
	* Reissue claims in excess of 20 and over original patent. ** Reissue Independent claims over original patent.			TOTAL =	1,056

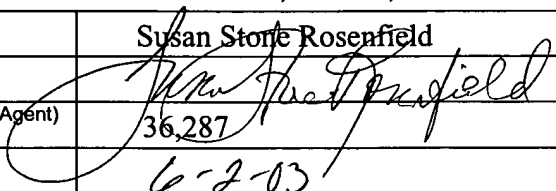
6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Director is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 060590 - _____:
- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☒ Fees required under 37 CFR 1.18.
8. ☒ A check in the amount of \$ 1,986 is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☒ New Attorney Docket Number, if desired 15240.088
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☒ Other: Response to Office Action of December 3, 2002 and Petition for Extension.

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	<div style="border: 1px solid black; padding: 5px; text-align: center;">27887</div> (Insert Customer No. or Attach bar code label here)	or <input type="checkbox"/> New correspondence address below
Name		
Address		
City		
Country		

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print Type)	Susan Stone Rosenfield
Signature	
Registration No. (Attorney Agent)	36,287
Date	6-2-03